

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEITH RUSSELL JUDD §
VS. § CIVIL ACTION NO. 1:07cv637
FEDERAL ELECTION COMMISSION, §
ET AL.

MEMORANDUM OPINION

Plaintiff Keith Russell Judd, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brings this action against the Federal Election Committee; Paul D. Clement, Acting U.S. Attorney General; the Secretary of the State of Texas, Elections Division; and Greg Abbott, the Texas Attorney General.

Discussion

Plaintiff complains that he is a registered and active Democratic candidate for the Presidency of the United States, and is entitled to vote for himself. However, plaintiff alleges that his application for a Voter Registration Card No. 98000838 and his request for an absentee ballot have gone unanswered.

Analysis

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints. Section 1915(g) provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [*in forma pauperis*] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous,

malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.


At least three of plaintiff's prior suits or appeals have been dismissed as frivolous or for failure to state a claim.¹ As a result, Section 1915(g) is applicable.

As set forth above, plaintiff has had at least three prior lawsuits or appeals dismissed as frivolous, malicious, and for failure to state a claim upon which relief may be granted. The allegations set forth in plaintiff's complaint do not demonstrate that he was in "imminent danger of serious physical injury." Section 1915(g) therefore bars plaintiff from proceeding further with this lawsuit on an *in forma pauperis* basis.

Conclusion

For the reasons set forth above, this action will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered in accordance with this Memorandum Opinion.

SIGNED this the **2** day of **October, 2007**.


Thad Heartfield
United States District Judge

¹ See *Judd v. University of New Mexico*, Appeal No. 97-50242 (5th Cir. Dec. 9, 1997) (appeal dismissed as frivolous); *Judd v. U.S. District Court*, Appeal No. 98-51119 (5th Cir. Apr. 16, 1999) (appeal dismissed as frivolous); and *Judd v. U.S. District Court*, Appeal No. 98-51155 (5th Cir. Apr. 16, 1999) (appeal dismissed as frivolous).